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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,771	11/09/2001	Akito Nakatsuka	723-1211	5627
27562	7590	05/12/2006	EXAMINER	
NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			PANDYA, SUNIT	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,771

Applicant(s)

NAKATSUKA ET AL.

Examiner

Sunit Pandya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/25/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 7, 15 and 28-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16-27, 38-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

As reiterated in the previous office action, this application contains claims directed to the following patentably distinct species of the claimed invention: a game synchronization method between a plurality of networked game machines as shown Fig. 12, selecting music data in response to game synchronization between a plurality of game machines as shown in Fig. 13.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Examiner acknowledges receipt of amendment on 04/25/05 in response to a restriction requirement. However, Applicant has not provided a proper response to the restriction requirement in that, Applicant stated that both species were provided in the same claims, wherein figure 12 relates to a gaming aspect of the machines and figure 13 relates to music aspect of the gaming machines as stated by the applicant (page 3-4, paragraph 3). Applicant did not properly differentiate the species requirement, however it is understood by Examiner that Applicant elected the species of Figure 12. Therefore, as previously stated claims 1-6, 8-11, 12-14, and 16-27 will be examined, and claims 7 and 15 are withdrawn from examination as directed selecting music data in response to game synchronization.

With respect to the added claims the examiner contends that claims 28-37 are related to the non-elected species and therefore are withdrawn from consideration based on the prior election of species, as stated in the previous Office Action.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-14, 16-27 and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,371,850 to Sonoda in view of US Patent 6,315,668 to Metke et al. Sonoda describes a system and method for providing a competitive video game conducted between characters at networked game units (2:53-64). The system uses a plurality of interconnected game units, wherein each game unit has a display screen and means for a player to control actions of an on screen game character (2:65-3:13). The system communication interface provides data sharing between game units, wherein a first set of data is associated with a first game machine and a second set of data is associated with a second game machine. During competition conditions the game data will be synchronized between the game units to allow for proper game play (3:14-47). The game units also have determination means for determining awarded game points earned during the game competition (3:48-67). In one embodiment the competition game is a fighting game wherein player timing within predetermined conditions determines game outcomes (10:6-19). Column 10:33-40 discloses that the game machine can be one on one, one against several, or several against several. Sonoda lacks in disclosing all of the specific timing data. In an analogous multiplayer system for networking games all of the specific timing data is disclosed in columns 1-9. Specifically column 1 discloses game synchronization, 2:14-17

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discloses networking video games for real time interactive play, 2:40-53 discloses bi-directional exchange of information, 4:41-51 discloses that the game can be any type of game and the game machine can be any type of game machine, Columns 5-9 disclose all of the specific timing data used to exchange information. One would be motivated to combine the references in order to expand on the synchronization of the video game units as disclosed in Sonda 3:40-46. Therefore it would be obvious to one of ordinary skill in the art to use the game system of Sonda with the synchronization and timing data disclosed in Metke in order to transmit proper data to each game machine.

Response to Arguments

Applicant's arguments filed 4/25/2005 have been fully considered but they are not persuasive.

The applicant argues that the combination of references does not teach or suggest "having, in response when the game is synchronously started, said display means display information about the operation timings of said operation switches to be operated by the player based on said operation timing data." The examiner respectfully disagrees with the applicant. Metke discloses all of the specific timing data in columns 1-9, including the operation of a switch, which depends on operation timing data, specifically, 17:27-64, 8:52-63, which discloses of operation to be operated by the player based on timing data.

The applicant argues that the reference does not disclose of "having, in response when the game synchronously started, said display means display information about the

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operation timings of said operation switches to be operated by the player based on said operation timing data.” The examiner respectfully disagrees with the applicant. Metke discloses all of the specific timing data in columns 1-9, including the operation of a switch, which depends on operation timing data, specifically, 17:27-64, 8:52-63, which discloses of operation to be operated by the player based on timing data.

The applicant argues that Sonoda's fighting video game characters are in direct competition with each other and that there is no team work or cooperation, thus fails to fails to disclose correlation evaluation for evaluating correlation in terms of game operation with other game machines. The examiner respectfully disagrees with the applicant and would like to bring their attention to Sonoda, 10:6-40, wherein the game is conducted on basis of stored data, and the parameter values relating to the competition results of the character operated at the video game unit are changed and stored in the SRAM, and the subsequent game is conducted on the basis of the stored data.

The above-mentioned rejection discloses all of claimed limitations, including operation timings, and therefore the rejection is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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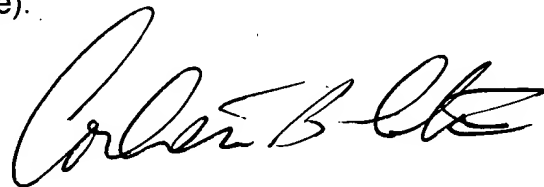
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SP



CORBETT B. COBURN
PRIMARY EXAMINER